

A bill to be entitled an act to define the duty of inspectors of timber in the State of Florida, and to declare a standard rule of inspection and to impose penalties for wilful failure to make correct statement of amount of timber inspected and for selling or buying timber by any other than by said standard rule,

Was called from the calendar out of its regular order, and was read the second time and ordered to be engrossed and passed to its third reading.

The courtesies of the Senate Chamber were extended to Dr. Johnson and Col. Carroll of Jefferson county.

The hour having arrived for the special consideration of Senate Bill No. 57:

To be entitled an act to fix the legal rate of interest in the State of Florida, to define usury and to provide for forfeiture on notes and contracts for extortionate interest,

It was called from the calendar and was read the second time.

Mr. Kirk offered the following amendment:

Amend by striking out 12 per cent. and insert 10 per cent. wherever it occurs.

Mr. Kirk moved that the amendment be adopted;

Which was not agreed to.

So the amendment was lost.

Mr. Bielby was called to the chair.

Mr. Dunn moved that—

Senate Bill No. 57 be indefinitely postponed.

Mr. Kirk moved to lay the motion to indefinitely postpone upon the table.

The yeas and nays were called and the vote was:

Yeas—Messrs. Bryant, Crosby, Hardee, Hind, Houstoun, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rogers, Rosborough, Swearingen, Wilkinson and Yancey—15.

Nays—Messrs. Bailey 22d District, Bielby, Dismukes, Dunn, Hendry, King and Smith—7.

So the motion to table prevailed.

On motion of Mr. Yancey, Secretary Finley was excused from attendance to-morrow.

By permission Mr. Pirrong introduced—

Senate Bill No. 200:

To be entitled an act to amend an act to provide for and encourage the organization of a corps of volunteer militia, and enforce their discipline, approved June 8, 1887, and designated as chapter 3707, Laws of Florida;

Which was read the first time by its title and referred to the Committee on Militia.

By permission Mr. Dismukes introduced—

Senate Bill No. 201:

To be entitled an act making appropriations to the Seminary West of the Suwannee River;

Which was read the first time by its title and referred to the Committee on Education.

By permission

By Mr. Rogers:

Senate Bill No. 202:

To be entitled an act to prescribe the jurisdiction of County Judges to try criminal cases;

Which was read the first time by its title and referred to the Committee on Judiciary.

Also,

Senate Bill No. 203:

To be entitled an act to repeal Chapter 3623, of the Laws of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary.

Mr. Kirk moved that the Senate adjourn until 10 o'clock to-morrow morning;

Which was agreed to.

The Senate stood so adjourned.

WEDNESDAY, MAY 15th, 1889.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Hardee, Hendry, Hind, Jenkins, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—25.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF BILLS.

By Mr. Dunn:

Senate Bill No. 204:

To be entitled an act to amend section 1, chapter 3724, Laws of Florida, approved June 2d, 1887, entitled an act to prescribe the bonds to be given by certain county officers;

Which was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Kirk:

Senate Bill No. 205:

To be entitled an act to fix the times for holding the Fall Terms of the Circuit Court for the Sixth Circuit;

Which was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Tuten:

Senate Bill No. 206:

To be entitled an act to compel railroad companies to construct and keep in repair stock guards and crossings on cultivated farms and fruit groves through which lines of railroads pass in this State;

Which was read the first time by its title and referred to the Committee on Railroads and Telegraphs.

Also,

Senate Bill No. 207:

To be entitled an act for the relief of Sampson Tavell, ex-Sheriff of Hamilton county;

Which was read the first time by its title and referred to the Committee on Claims.

Also,

Senate Bill No. 208:

To be entitled an act to fix the boundary lines of the town of Jasper and to legalize the town government of the same and to provide for contracting or extending of said town;

Which was read the first time and referred to the Committee on City and County Organization.

REPORTS OF COMMITTEES.

Mr. Latham, Chairman of Joint Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 14, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Joint Committee on Enrolled Bills beg leave to report that they have submitted to the Governor for his consideration—

An act entitled an act to provide for the appointment of Recorders in and for provisional municipalities, and to define their jurisdiction and powers.

Very respectfully,

J. F. LATHAM,

Chairman Joint Committee on Enrolled Bills.

Mr. Yancey, Chairman of Committee on City and County Organization, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on City and County Organization, to whom was referred—

Senate Bill No. 177:

To amend section 2 of an act entitled an act to abolish the corporation of the towns of Tampa and North Tampa, to provide a municipal government for the city of Tampa, and to define the boundaries thereof, approved June 2, 1887;

Also,

Senate Bill No 176:

An act providing for the creation of a Board of Public Works for the city of Tampa, Florida, and prescribing its powers and duties,

Beg leave to report that they have carefully considered the same and recommend that they do pass.

Very respectfully,

D. H. YANCEY,
Chairman Committee.

Mr. Wilkinson, Chairman of the Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 160:

To be entitled an act to define the duties of Inspectors of Timber in the State of Florida, and to declare a standard rule of inspection, and to impose penalties for willful failure to make correct statement of amount of timber inspected and for selling or buying timber by any other than by said standard rule;

Also,

Senate Bill No. 192:

To be entitled an act to legalize the action of certain counties in the State of Florida, and to authorize a special tax;

Also,

Senate Bill No. 49:

To be entitled an act to establish a Bureau of Immigration for the State of Florida,

Beg leave to report that they have examined the same and find them to be correctly engrossed.

Very respectfully,

JOHN WILKINSON,
Chairman Committee.

On motion of Mr. Pirrong, the rules were waived by a two-thirds vote, and—

Senate Bill No. 98:

To be entitled an act to incorporate the city of St. Andrews, Was called from the calendar out of its order, and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 98,

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Brett, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Kirk, King, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten and Wilkinson—21.

Nays—None.

So Senate Bill No. 98 passed, title as stated, and under a further suspension of the rules it was ordered to be certified to the House of Representatives.

Mr. Rogers offered the following petition:

We, the undersigned citizens of Suwannee county, petition your honorable body to preserve in tact the provisions of Article XIX of the Constitution, and to enact such laws as will secure its better enforcement:

A A Barnett,
John F. White,
Geo C White,
D W Tedder,
J S Jobson,
John Johnson,
W A Stokes,
Mrs C N Hildreth,
J A Bridges,
C E Ingalls,
Oliver Ingalls,
John Douglass,
Albert Johnson,
J A Sessions,
Mrs John White, Jr,
J S White,
S B Davis,
J N Jones,
Mary Johnson,
Nellie Overstreet,
Annie W Hines,
M A Tedder,
Rebecca Johnson,
Mamie Barnett,

J W Fry,
J C Little,
E A Burdick,
Jesie A Burdick,
Mrs J E Perry,
C N Hildreth,
S A White,
S A Clay,
T E Jones,
T S Baisden,
Delia Baisden,
Wm E Wendt,
L J White,
R E Douglass,
Mrs E A Hankins,
C M Ingalls,
A R Wallace,
S C Ingalls,
L A Overstreet,
Texas Overstreet,
M A McCleran,
Fannie S McClellan,
Mrs A S Barnett,
Solom Baisden.

Total—57 names.

Yours in Christ,

A. A. BARNETT.

On motion of Mr. Rosborough, the rules were waived by a two-third vote, and

Senate Bill No. 167 :

To be entitled an act to appropriate a certain amount of money for the benefit of East Florida Seminary,

Was called from the calendar out of its regular order and was read the third time.

Upon the passage of—

Senate Bill No. 167 :

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bielby, Brett, Crosby, Dismukes, Drake, Dunn, Hardee, Hendry, Hind, Houstoun, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—20.

Nays—Messrs. Coulter and Swearingen—2.

So Senate Bill No. 167 passed, title as stated, and under a further suspension of the rules it was ordered certified to the House of Representatives at once.

It was so certified.

Mr. Randell moved that House Bill No. 194 be made the special order for 4:30 o'clock P. M. to-day ;

Which was agreed to,

And the special order made.

Mr. Tuten, Senate Chairman of the Joint Committee to visit the Experiment Station and State Normal School, submitted the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., May 13, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee appointed by Joint Resolution of the Senate and House of Representatives of the Florida Legislature to visit the State Normal School at DeFuniak Springs, and the Experimental Station at the same place, as well as the Colored Normal School at Tallahassee, having fully discharged all duties confided to them under said Joint Resolution, and a diligent inquiry made into all matters referred to us, beg leave to submit this, our report:

That the healthfulness and accessibility of DeFuniak Springs and the morals and culture of its inhabitants render it a most desirable location for an educational institution and an admirable residence for students from other parts of the State. We therefore recommend the permanent location of the State Nor-

mal School for whites be established at DeFuniak Springs. We learn from the Superintendent that many young men and young women who attended this school last year are now occupying positions in the public schools of the State. For the present session, which will end June 30, there has been enrolled sixty-five students, coming from every portion of the State. We found the institution in a most prosperous condition, and the instruction given thorough and practicable. That while a great deal of academic work has to be done, we find that the faculty are devoting their best efforts to instruct the students upon the best methods of teaching in the public schools.

¶ Your committee would further report that the building now occupied by the school is totally inadequate for the necessities of the institution. Besides, if this was not the case, the time for which this building was granted to the State by the Florida Chautauqua Association will expire in September. This will leave the school without a building.

It is therefore necessary that an appropriation be made at once to supply a building. We report that three most desirable sites are offered the State by the citizens of DeFuniak Springs, upon which to erect a building; we therefore recommend an appropriation of two thousand five hundred dollars for the purpose of erecting a suitable building. We would most especially commend the excellent manner in which the records of the school are kept. Professor H. N. Felkel, President of the school, with the following attendants, we found present and on duty, viz.: Prof. H. E. Graham, L. G., late of Tennessee Normal College; Miss Lillian Outerbridge, late of Salem, Massachusetts, State Normal School, all most competent and efficient instructors. Your committee would report that it has been announced by the State Board of Education that no student will be allowed to graduate from this school except upon their own merits, and after they have passed a most rigid examination. The following additions are most urgently demanded: A press or wardrobe for each class room; an appropriation of \$250.00 to purchase chemicals for laboratory, and for the purchase of an apparatus for illustrating the work in natural science. In view, therefore, of all the facts stated, we would recommend that the following amounts be appropriated to supply the existing wants of, and to further the usefulness of this school:

For supplies above enumerated.....	\$300.00
For building purposes.....	2,500.00

Total.....\$2,800.00

Your committee would further report that the experimental

station has only recently been located, but is being pushed forward with great energy; and we report, from observation and representations made to us by the Superintendent that the same will be ready for occupancy and cultivation by July 1st next. We find the grounds selected for this purpose to be exceptionally well adapted to such purposes, and that great benefits must accrue to the agricultural interest of the country from the experiments made upon different products of our State at this station.

Your committee would further report that under the same resolution they were instructed to visit the State Normal School at Tallahassee, established for the education and training of colored teachers, and having performed that duty we beg leave to report that we find that the State Board of Education has expended \$1,300.00 of the amount appropriated for this school by the Legislature of 1887, for the purchase of a school building, which is most desirably located in the western portion of the city; that while the building is a neat and comfortable one, it will soon be entirely too small for the accommodation of the school. We find that since this school was established eighty-three students have been enrolled, representing thirteen counties, of which 36 are males and 47 females. Of the number now in attendance eighteen have been actually engaged in teaching in the public schools of the State. We find the records of this institution a model of neatness and perfection. The school building is so constructed as to accommodate three separate classes. In room 1, under the supervision of Miss Laura L. Clark, second assistant teacher, we find 25 students in attendance. The academic studies are taught in this department, as well as drawing. In room 2 we found the Preparatory Department under control of Prof. T. V. Gibbs, with 26 students in attendance, in connection with the completion of the academic course. This department teaches music, reading and penmanship to the entire school. Room 3 we found under the immediate supervision of Prof. T. D. S. Tucker. The students are thoroughly instructed in the higher branches of study. The students in this room receive such moral and social training as will the better fit them for teachers and instructors in the public schools of the State. Your committee recommend this school, as an institution, to the Legislature's most favorable consideration. We find the erection of suitable buildings for dormitories a necessity, so as to lessen the expense of students from other portions of the State. We find that an Industrial Department, for the instruction of teachers in methods of manual training for introduction into the public schools of the State. We find the present building and grounds entirely inadequate to meet the wants and needs of the school;

we therefore recommend the sale of the present building and site, and the investment of the proceeds in a more suitable place; also the purchase of twenty five acres of land, upon which to erect dormitories, workshops, etc., we find that the present building and site can be sold at good advantage to the County School Board of Leon county, and that a more suitable site could be purchased near Tallahassee.

Your Committee would further report that the pay roll of teachers in this institution amounts to \$2,750.00 per annum, and this your Committee, having fully investigated and reported upon all matters submitted to them, herewith ask to be discharged.

Very respectfully,
J. D. TUTEN,
Chairman Committee.

The consideration of—
Senate Bill No. 57:

To be entitled an act to fix the legal rate of interest in the State of Florida, to define usury, and to provide for forfeiture on notes and contracts for extortionate interest,

Was resumed.

Mr. Dunn offered the following amendment:
Senate Bill No. 57:

In section 3, line 5, after the word "whatever," add the following:

"Provided nothing in this act shall be construed to prevent any National Bank or other bank, organized under the laws of the United States, or of this State, and doing business in this State, from purchasing or discounting any draft, notes, bill of exchange or other commercial paper on such terms as said bank may prescribe."

Mr. Dunn moved that the amendment be adopted,
Pending which the special hour for the consideration of—
Senate Bill No. 76:

To be entitled an act providing for a farm fence option law, Arrived, and on motion of Mr. Bryant, it was passed over informally.

A message was received from the House of Representatives.

Upon the motion of Mr. Dunn to adopt the amendment, the yeas and nays were called, and

The vote was:

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey
30s

of 16th District, Bielby, Coulter, Dismukes, Dunn, Hendry, King, Smith and Tuten—11.

Nays—Messrs. Brett, Bryant, Crosby, Hardee, Hind, Houstoun, Jenkins, Kirk, Pirrong, Randell, Rogers, Rosborough, Swearingen, Wilkinson and Yancey—15.

So the amendment was lost.

Mr. Dismukes offered the following amendment :

Amend by striking out all between the word "indirectly," in line 4, and the word "or," in line 5."

Mr. Dismukes moved that the amendment be adopted.

The amendment was withdrawn by Mr. Dismukes.

Mr. Dismukes offered the following amendment :

Strike out the words "discount or exchange," in line 5, section 3 ;

Which was withdrawn by Mr. Dismukes.

Mr. Rogers offered the following amendment :

Provided, That this shall not interfere with commissions paid for the collection of notes and drafts sent from other places for collection or for discounting, buying and selling bills of exchange by banks and bankers in this State.

Mr. Rogers moved that the amendment be adopted.

The yeas and nays were called for, and

The vote was :

Yeas—Mr. President, Messrs. Bailey 22d District, Coulter, Dismukes, Dunn, Hind, King, Rogers and Smith—9.

Nays—Messrs. Bailey 16th District, Brett, Bryant, Crosby, Hardee, Houstoun, Kirk, Pirrong, Randell, Rosborough, Swearingen, Tuten, Wilkinson and Yancey—14.

So the amendment was lost.

The President announced that he was about to sign the following bills :

An act entitled an act to provide for levies upon and sale of stock in corporations ;

Also,

An act to amend an act entitled an act to establish the municipality of Jacksonville, to provide for its government and prescribe its jurisdiction and powers ; approved May 31, 1887 ;

Also,

An act to establish the municipality of Key West, provide for its government and prescribe its jurisdiction and powers ;

Which were signed by the President and Secretary of the Senate.

Mr. Hind moved that the Senate take a recess until 4 o'clock P. M. ;

Which was agreed to,
So the Senate took a recess.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

The roll was called and the following Senators answered to their names :

Mr. President, Messrs. Bailey 22d District, Bailey of 16th District, Bielby, Brett, Bryant, Coulter, Crosby, Dismukes, Dunn, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Tuten, Wilkinson and Yancey—23.

A quorum present.

The consideration of—

Senate Bill No. 57 :

To be entitled an act to fix the legal rate of interest in the State of Florida, to define usury and to provide for forfeitures on notes and contracts for extortionate interest,

Was resumed.

Mr. Randell offered the following amendment :

In section 3, line 5, strike out "discount and exchange ;"

Pending its consideration, a message was received from the House of Representatives.

Mr. Houstoun moved that Senate Bill No. 57 be referred to a special committee of five.

Mr. Kirk moved to lay the motion of Mr. Houstoun on the table ;

Which was agreed to.

And the motion was laid on the table.

The question recurred to Mr. Randell's amendment.

Mr. Randell moved that it be adopted ;

Which was agreed to,

And the amendment was adopted,

And the bill was ordered to be engrossed, as amended, and passed to third reading.

Senate Bill No. 76 :

To be entitled an act providing for a farm fence option law,
Which had been informally passed over.

Was taken from the calendar for consideration.

Mr. Swearingen moved to strike out the enacting clause;
Which was agreed to,
And the motion prevailed.

On motion of Mr. Coulter, the rules were waived by a two-thirds vote and—

House Bill No. 87:

A bill to be entitled an act imposing a license tax on non-residents of this State fishing within the waters of this State,

Was called from the calendar out of its regular order and was read the second time, together with the committee amendments.

Mr. Swearingen moved that the committee amendments be adopted;

Which was agreed to and the committee amendments were adopted, and the amendments were ordered to be engrossed and the bill passed to its third reading.

On motion of Mr. King the rules were waived by a two-thirds vote, and

Senate Bill No. 132:

To be entitled an act to enlarge and extend the franchises of the St. Cloud Sugar Belt Railway Company,

Was called from the calendar out of its regular order and was read the second time, together with the amendments by the committee.

On motion of Mr. King the committee amendments were adopted, and the bill was ordered to be engrossed, as amended, and passed to its third reading.

A message was received from the Governor.

On motion of Mr. Parkhill, the rules were waived by a two-thirds vote, and

Senate Bill No. 97:

To be entitled an act to extend the powers of courts of chancery in this State,

Was taken from the calendar out of its regular order and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 97,

The vote was:

Yeas—Messrs. Bailey 16th District, Bryant, Coulter, Crosby, Hardee, Kirk, King, Parkhill, Pirrong and Swearingen—10.

Nays—Mr. President, Messrs. Brett, Dismukes, Dunn, Houston, Jenkins, Randell, Tuten, Wilkinson and Yancey—10.

So Senate Bill No. 97 was lost.

Mr. Dunn moved to reconsider the vote by which Senate Bill No. 97 was lost;

Which was agreed to and the vote was reconsidered, and By unanimous consent, Senate Bill No. 97 was put back on its second reading.

Mr. Hind, at his request, was excused from voting on the passage of Senate Bill No. 97.

By permission Mr. Hind introduced

Senate Bill No. 209:

Entitled an act to amend the charter of the East Florida Trust Company;

Which was read the first time by its title and referred to Committee on Corporations.

The hour for the special consideration of—

House Bill No. 194:

To be entitled an act to provide for the payment of a capitation or poll tax as a prerequisite for voting, and prescribing the duties of Tax Collectors and Supervisors of Registration in relation thereto,

Having arrived,

It was called from the calendar, and on motion of Mr. Randell was read the third time and put upon its passage.

Upon the passage of House Bill No. 194,

The vote was:

Yeas—Messrs. Bailey 22d District, Bailey 16th District, Bryant, Coulter, Crosby, Dismukes, Dunn, Hardee, Houston, Jenkins, Pirrong, Randell, Rosborough, Wilkinson and Yancey—15.

Nays—Mr. President, Messrs. Bielby, Hind, King, Parkhill, Smith and Tuten—7.

So House Bill No. 194 passed, title as stated.

By permission, Mr. Bailey of 22d District, Chairman of the Committee on Corporations, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 15, 1889.

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Corporations, to whom was referred—

House Bill No. 184:

A bill to be entitled an act to incorporate the Ladies' Village Improvement Association of Green Cove Springs, Florida,
 Beg leave to report that they have carefully considered the same and recommend that it do pass.

Very respectfully,

E. B. BAILEY,
 Chairman Committee.

Also the following:

SENATE CHAMBER,
 TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Corporations, to whom was referred—

Senate Bill No. 187:

To be entitled an act to amend the eighth section of an act to repeal an act entitled an act to provide for the creation of corporations, and to prescribe their general powers and liabilities, and to reenact and amend the sections repealed by said act, approved March 11, 1879,

Beg leave to report that they have examined the same and recommend that it do pass with the following amendment:

Strike out in Section 1, line 7, the words "one hundred," and insert "not less than ten."

Very respectfully,

E. B. BAILEY,
 Chairman Committee.

Also the following:

SENATE CHAMBER,
 TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Corporations, to whom was referred—

House Bill No. 190:

An act to amend section 2 of an act entitled an act for the incorporation and regulation of building and loan associations,

Beg leave to report that they have examined the same and recommend that it do pass.

Very respectfully,

E. B. BAILEY,
 Chairman Committee.

House Bill No. 184:

To be entitled an act to incorporate the Ladies Village Improvement Association of Green Cove Springs, Florida,

Was read the first time by its title and referred to the Committee on Corporations.

House Bill No. 190:

An act to amend section 2 of an act entitled an act for the incorporation and regulation of building and loan associations,

Was read the first time by its title and referred to the Committee on Corporations.

Mr. Bailey 16th District, Chairman of Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
 TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 96:

A bill to be entitled an act to amend section one, chapter 3253, of the Laws of Florida, relating to the fees of Notaries Public,

Beg leave to report that we find that the bill has been passed without an enacting clause and return the same for the necessary correction.

Very Respectfully,

J. S. BAILEY,

Chairman Committee.

A message was received from the House of Representatives. By unanimous consent Senate Bill No. 153 was amended as follows:

Amend Senate Bill No. 153 by inserting word "not," after word "be," in line 10 of committee amendment to section 4,

And was ordered to be returned to Engrossing Committee. On motion of Mr. Yancey the rules were waived by a two-

thirds vote, and House Bill No. 220 was read the second time by its title.

On motion of Mr. Yancey the rules were further waived by a two-thirds vote, and—

House Bill No. 220 :

Was read the third time and put upon its passage.

Upon the passage of House Bill No. 220,

The vote was :

Yeas—Mr. President, Messrs. Bailey of 22d District, Bailey of 16th District, Bielby, Bryant, Coulter, Crosby, Dismukes, Dunn, Hardee, Houstoun, Jenkins, King, Parkhill, Pirrong, Randell, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—22.

Nays—None.

So House Bill No. 220 passed, title as stated.

By permission, Mr. Bryant, Chairman of Committee on Appropriations, submitted the following report :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Appropriations, to whom was referred—

Senate Bill No. 143 :

To be entitled an act making an appropriation for the Florida Normal School and Business Institute,

Have had the same under consideration and report the same with a substitute.

Very respectfully,

J. W. BRYANT,
Chairman Committee.

On motion of Mr. Bielby,
House Bill No. 31 :

A bill to be entitled an act to regulate the practice of medicine, and to provide for the appointment of a Board of Medical Examiners in the State of Florida,

Was made the special order for 5 o'clock Friday next.

On motion of Mr. Dunn, the rules were waived by a two-thirds vote, and—

Senate Bill No. 110 :

To be entitled an act to provide the methods by which counties may issue bonds for public improvements,

Was called from the calendar out of its regular order, and was read the second time.

Mr. Bielby moved to strike out section 1 of the bill.

Pending its consideration, a message was received from the House of Representatives.

By unanimous consent, Mr. Bielby withdrew the motion to strike out section 1, and moved to strike out the enacting clause ;

Which was agreed to,

And the enacting clause of Senate Bill No. 110 was stricken out.

Mr. Kirk was called to the chair.

On motion of Mr. Hardee the rules were waived by a two-thirds vote, and

Senate Bill No. 55 :

A bill to be entitled an act to incorporate the Banana Creek Improvement Canal and Transit Company,

Was called from the calendar out of its regular order, and was read the third time.

A message was received from the House of Representatives.

On motion of Mr. Hardee, Senate Bill No. 55 by unanimous consent, was put back on its second reading, and was recommended to the Committee on Corporations.

By permission, Mr. Parkhill introduced

Senate Bill No. 210 :

To be entitled an act amending the law relating to garnishments ;

Which was read the first time by its title and referred to the Committee on Judiciary.

By permission, Mr. Parkhill, Chairman of Committee on Commerce and Navigation, submitted the following report :

SENATE CHAMBER, }
TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate :

SIR: Your Committee on Commerce and Navigation, to whom was referred—

House Memorial No. 13 :

Being a Memorial to Congress asking for the establishment

of a mail route from Blue Springs, Marion county, via Parkersburg, Marion county to Black Dirt, Levy county,
 Beg leave to report that the same do pass.

Very respectfully,

C. B. PARKHILL,
 Chairman Committee.

On motion of Mr. Swearingen the rules were waived by a two-thirds vote, and
 Senate Bill No. 155:

To be entitled an act to incorporate the West Florida and Alabama Railroad company,

Was called from the calendar and was read the third time and put upon its passage.

Upon the passage of Senate Bill No. 155,

The vote was:

Yeas—Messrs. Bailey of 16th, Brett, Bryant, Crosby, Dismukes, Houston, Jenkins, Kirk, Parkhill, Pirrong, Randell, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancy—17.

Nays—None.

So Senate Bill No. 155 passed, title as stated, and under a further suspension of the rules, Senate Bill No. 155 was certified to the House of Representatives at once.

A message was received from the House of Representatives.

On motion of Mr. Bryant, the rules were waived by a two-thirds vote, and

Committee Substitute for Senate Bill No. 143:

An act making an appropriation for the Florida Normal School and Business Institute,

Was called from the calendar out of its regular order and was read the second time.

Mr. Bryant moved that the committee substitute be adopted; which was agreed to, and the committee substitute for Senate Bill No. 143 was adopted.

Mr. Swearingen offered the following amendment:

In section 2 strike out "Senatorial district" and insert in lieu thereof "one student from each county."

Mr. Swearingen moved that the amendment be adopted; which was not agreed to.

So the amendment was lost.

On motion of Mr. Tuten the rules were waived by a two-thirds vote, and

Substitute for Senate Bill No. 143,

Was read the third time and put upon its passage.

Upon the passage of Substitute for Senate Bill No. 143,

The vote was:

Yeas—Messrs. Bailey of 22d District, Bailey of 16th District, Bryant, Crosby, Hardee, Houston, Jenkins, Parkhill, Pirrong, Randell, Rosborough, Smith, Tuten and Wilkinson—14.

Nays—Messrs. Coulter, Dismukes, Kirk and Swearingen—4.
 So Substitute for Senate Bill No. 143 passed, title as stated.

The following message from the Governor was read:

STATE OF FLORIDA, EXECUTIVE OFFICE,
 TALLAHASSEE, Fla, May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: I have examined the bill entitled "An Act entitled an act to provide for the appointment of recorders in and for provisional municipalities, and to define their jurisdiction and powers," and herewith return the same to the Senate, in which it originated, with my objections thereto.

Section 4 of the bill provides as follows: "In every case tried before such recorder, a docket fee of two dollars shall be charged and paid the recorder, and be taxed as costs in the case against the party condemned to pay the same."

The Constitution, section 14, of the "Declaration of Rights" provides that "no person shall be compelled to pay costs, except after conviction on a final trial." The recorder, therefore, would have no authority to condemn a party accused to pay his docket fee until after conviction. And if the proper construction of the said section is that the words "the party condemned to pay the same," refer to the accused, the pay of the Recorder would be dependent upon conviction, and he would not be a disinterested judge, but would have a direct interest in securing the conviction of a party charged with a violation of the law, who is entitled to a fair and impartial trial before a disinterested tribunal. It may be argued that under the provisions of the section, the Recorder may condemn either party, to wit, the provisional municipality or the accused, to pay the docket fee. To say the least, that would be a doubtful construction of the language used, which is scarcely that which would have been adopted had it been the intention to leave it discretionary with the Recorder to tax his docket fee against the municipality. But even if the section would bear such construction, the objection would obtain that there would be an entire uncertainty as to the pay

of the Recorder, who, by virtue of his office, should be a conservator of the peace, a direct interest in the municipality of violations of the law and the procuring of business for his court to add to his revenue. It may be answered that if an honest man held the position (and none other should be appointed) no harm would result. In reply thereto it may be said that the best and purest of men realize the force and necessity of the petition, "Lead us not into temptation."

I have the honor to be,

Very respectfully,

FRANCIS P. FLEMING,

Governor.

A message was received from the House of Representatives.

Mr. Swearingen was called to the chair.

By permission—

Mr. Yancey, Chairman of the Committee on City and County Organization, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., May 15, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: Your Committee on City and County Organization, to whom was referred—

Senate Bill No. 197:

A bill to be entitled an act to provide for appointment of Recorders in and for provisional municipalities, and to define their jurisdiction and powers,

Beg leave to report that they have considered the same and recommend it do pass.

Very respectfully,

D. H. YANCEY,

Chairman of Committee.

Hon. H. W. Long, Major T. D. Lancaster and Capt. J. O. Clark were invited within the bar of the Senate.

Mr. Parkhill moved that the Senate adjourn until 10 o'clock to-morrow morning;

Which was agreed to.

The Senate stood so adjourned.

THURSDAY, MAY 16, 1889.

The Senate met pursuant to adjournment.

The President in the Chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Bailey of 22d District, Bailey of 16th, Bielby, Bryant, Coulter, Crosby, Hardee, Hind, Houstoun, Jenkins, Kirk, King, Parkhill, Pirrong, Randell, Rogers, Rosborough, Smith, Swearingen, Tuten, Wilkinson and Yancey—23.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF BILLS.

By Mr. Rogers:

Senate Bill No. 211:

To be entitled an act to amend chapter 3700 of the laws of Florida, Acts of 1887, entitled an act to provide for the proper enforcement of the provisions of Article XIX, of the Constitution of 1885;

Which was read the first time by its title and referred to the Committee on Temperance.

Mr. Brett was excused on account of sickness.

Page H. J. Brett was also excused.

The following message from the House of Representatives was read:

HOUSE OF REPRESENTATIVES,
TALLAHASSEE, Fla., May 16th, 1889. }

HON. J. B. WALL,

President of the Senate:

SIR: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 155: